

105TH CONGRESS
1ST SESSION

H. R. 2208

To amend the Federal Food, Drug, and Cosmetic Act to authorize food claims which relate a nutrient to a disease or health-related condition.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 1997

Mr. UPTON (for himself, Mr. TOWNS, Mr. FROST, and Mr. RUSH) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to authorize food claims which relate a nutrient to a disease or health-related condition.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Consumers’ Nutrition
5 and Health Information Act”.

6 **SEC. 2. HEALTH CLAIMS OF FOOD PRODUCTS.**

7 Section 403(r)(3) (21 U.S.C. 343(r)(3)) is amended
8 by adding at the end thereof the following new subpara-
9 graph:

1 “(C) Notwithstanding the provisions of subpara-
2 graphs (A)(i) and (B), a claim of the type described in
3 paragraph (1)(B) which is not authorized by the Secretary
4 in a regulation promulgated in accordance with subpara-
5 graph (B) shall be authorized and may be made if—

6 “(i) an authoritative scientific body of the Unit-
7 ed States Government with official responsibility for
8 public health protection or research directly relating
9 to human nutrition (such as the National Institutes
10 of Health or the Centers for Disease Control and
11 Prevention), or the National Academy of Sciences or
12 subdivision of the National Academy of Sciences has
13 published an authoritative statement, which is cur-
14 rently in effect, recognizing that the relationship be-
15 tween the nutrient and disease or health-related con-
16 dition to which the claim refers is supported by per-
17 tinent scientific evidence;

18 “(ii) a person has submitted to the Secretary at
19 least 120 days before the first introduction of such
20 food into interstate commerce a notice of the claim,
21 including a concise description of the basis upon
22 which such manufacturer or distributor relied for de-
23 termining that the requirements of subclause (i)
24 have been satisfied; and

1 “(iii) the food to which the claim refers is not
2 misbranded under section 403(a) or 201(n).
3 A statement shall be regarded as an official authoritative
4 statement of an agency within the meaning of subclause
5 (i) only if it is published by the agency, represents the
6 current official position of an agency, and does not include
7 a statement of an agency employee made in the employee’s
8 individual capacity.”.

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